

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Federal Home Loan Mortgage Corporation,

Plaintiff,

v.

ORDER

Civil No. 13-897 ADM/AJB

Angelberto Contreras, Mayra Rodriguez,
John Doe, and Mary Roe,

Defendants.

Wendy Oien Sanchez, Esq., and Kalli L. Ostlie, Esq., Shapiro & Zielke, LLP, Burnsville, MN,
on behalf of Plaintiff.

William B. Butler, Esq., Butler Liberty Law, LLC, Minneapolis, MN, on behalf of Defendants.

This matter is before the undersigned United States District Judge for a ruling on Defendants' Objection [Docket No. 27] to Magistrate Judge Arthur J. Boylan's August 29, 2013, Order [Docket No. 25]. In an administrative order, Chief Judge Michael Davis assigned all dispositive and non-dispositive matters in this action to Judge Boylan for expedited consideration [Docket No. 15]. Thereafter, Judge Boylan remanded this action to state court. Judge Boylan found the underlying subject matter of the action—a post-foreclosure eviction—was properly brought in state court and that this Court should abstain from exercising jurisdiction.

The Court has reviewed Judge Boylan's order de novo, and finds the order to be well-founded. Although abstention is "the exception, not the rule," eviction is fundamentally a state law concern. MCC Mortg. LP v. Office Depot, Inc., 685 F. Supp. 2d 939, 946-47 (D. Minn. 2010) (citations omitted). In this case, the Court agrees with Judge Boylan that the removal of this case to federal court appears to be a delay tactic, and that the underlying matter is most

properly and efficiently resolved by the state court. In addition, Defendants' concern regarding piecemeal litigation is belied by the history of the case. Due to its unique procedural posture, both this action and Defendants' separate lawsuit were assigned to Judge Boylan. See Contreras v. Fed. Home Loan Morg. Corp., No. 13-cv-894 (D. Minn.). Judge Boylan undoubtedly issued the remand order as part of a larger effort to coordinate litigation between the parties, and Defendants' separate lawsuit will proceed accordingly. As a result, Defendants' objection is overruled and the order remanding this action is adopted.

Based on the foregoing, and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendants' Objection [Docket No. 27] is **OVERRULED**; and
2. Judge Boylan's August 29, 2013 Order [Docket No. 25] is **ADOPTED**.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: October 1, 2013.